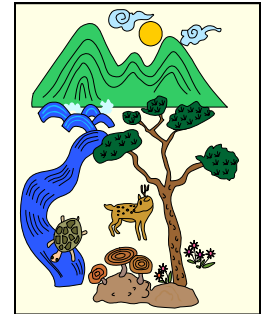


MINUTES
HANOVER CONSERVATION COMMISSION
May 3, 2006

Members/Staff present: Stephen T. O'Leary, Chairman
James M. Smith, Vice Chairman
Neal Merritt, Hearing Officer
Deke Moore, Commissioner
Laura Horky, Commissioner
Patrick Gallivan, Conservation Agent
Sandra D. MacFarlane, Conservation Comm. Secretary



Members/Staff not present:

Others present: Attached List

Due to the number of those in attendance at this regularly scheduled meeting of the Conservation Commission, the meeting was moved to the first floor hearing room of the Hanover Town Hall, and was called to order at 7:00 PM by Chairman Stephen T. O'Leary. The Chair made a brief statement to inform those present of the general meeting procedures to take place and welcomed all those who were present.

PUBLIC HEARINGS/MEETINGS:

7:00 PM **BL 06-09, SE 31-901, 12 Homer Road-** NOI- *FOR POOL*,

PRESENT: none

VOTE: SO=yes; JS=yes; NM=yes; DM=yes; LH=yes: **to continue the hearing to 5/17/06 at 7:30 PM.**

7:00 PM **REVISED RULES and REGULATIONS** to the TOH Wetlands Protection By-Law #6-14

PRESENT: This hearing was presented by the Commission Members and Conservation Agent

DISCUSSION: Chair O'Leary opened the hearing, explained hearing procedures and gave a summary of the theory behind revising the Regulations to the Hanover Wetlands Protection By-Law (WPBL). The main areas of interest and those that will be afforded the most attention by the Commission for proposed revisions include more detailed and precise definitions, buffer zones and setbacks to resource areas, vernal pools, and the permitting process. Comments from Hanover residents in the audience echoed similar concerns, that of having experienced increased problems with stormwater management and flooding problems after construction near their homes in the past. The consensus of those residents that spoke was that regulations should be made stricter, however, not hurt home owners or hinder the chances of buying/selling homes within the town.

The Chair assured all that the Commission's goal is to reduce occurrences of impacts to both abutters and sensitive resource areas.

Several residents, local contractors and developers in attendance raised concerns over the setbacks as presented in the draft regulations handout. The overall concern was that increasing the “no-disturbance setback to wetlands” from 25 feet to 50 feet, with an increased “no-build setback to wetlands” and an increase to a 100 foot “no-disturbance setback” for vernal pools would substantially limit the availability of buildable land in the town and have a detrimental impact on those parcels which have been approved for subdivision, but have not been built upon as of yet. There was also concern that current homeowners would be denied the ability to expand the size of their homes or add accessory structures such as pools, decks, etc. if the setbacks are increased. The Chair assured all that provisions within the proposed revised regulations would consider projects that are already within the permitting process and that the proposed revisions apply to new developments. All agreed that a more detailed explanation was needed and should be established as part of the new regulations.

Chair O’Leary added that any revisions to the regulations are proposed with consistency in mind, that vague terms and descriptions, inconsistent statements, and unclear procedures are to be clarified, made more understandable and easier to read for the local resident as well as a professional engineer.

The question pertaining to the Commission’s authority to revise regulations outside of a Town Meeting was raised several times by several in attendance.

Chair O’Leary referred to the WPBL and current Rules and Regulations which afford this right to the Commission and added that it was not necessary to take to town meeting as the By-Laws stand. A concern raised by a Selectman in attendance and several local businessmen centered around the Route 53 (Washington Street) Corridor and the extensive project for redevelopment and improvement that has already begun. Economic impacts to this area and the town as a whole were questioned in relation to the increased setbacks to wetlands. It was explained that tonight’s meeting was first step toward a draft or model of regulations that the Commission is considering. The Commission understands that more research, thought and further revisions are necessary and that the hearing will be continued for further review and discussion.

The Commission was advised by Selectmen Viola Ryerson and Alan Rugman to allow review of proposed revisions by the Route 53 Study Committee. The Commission assured all that any and all committees will be allowed time to review the proposed revisions.

Resident Wallace Kemp questioned the proposed revisions in relation to the North River Protective Order and the Riverfront Area. It was explained that both will be considered. Mr. Kemp also spoke to future enforcement of the proposed revised regulations and encouraged the Commission to not only clarify the enforcement process, but to increase efforts in enforcing them.

James O’Brien, Hanover Country Club LLC, spoke to the issue of those projects that have begun the process. Some have been permitted through the Commission, some need future permits, and several have begun but have not been completed. Chair O’Leary reiterated that those projects that have

begun the process, such as Village Place (Commons), will be grandfathered. He added that the proposed revisions will include clear language related to eligibility, deadlines, and timeframes for all projects presented.

Resident and past Conservation Commission member Jerome Cohen, author of the WPBL's for the Town of Hanover in 1986, offered a historical perspective of the issues, the WPBL's and their associated Regulations. He congratulated the Commission in their efforts to improve the regulations and added that he is available for questions.

The topics of increased enforcement, education of residents, and increased coordination with other Town Departments were discussed.

VOTE: SO-yes; JS-yes; NM-yes; DM-yes; LH-yes: **to continue the hearing to 5/17/06 at 7:00 PM.**

7:30 PM **HUNTING POLICY** for Conservation Parcels

PRESENT: This hearing was presented by the Commission Members and Conservation Agent

DISCUSSION: Chair O'Leary opened the hearing by giving a brief history of the topic and the proceeding. The Chair reiterated the expected public hearing decorum and opened the hearing for discussion. Resident and past Conservation Commission Member, Jerome Cohen stated that although he holds no position on the topic, his concerns included the Town's liability. Chair O'Leary noted that without the requirement of fees for use of the land, there is no liability to the town. Mr. Cohen questioned the depth of research the Commission had done related to this topic. The Commission assured all that review of neighboring towns hunting policies, Massachusetts General Laws, MA Department of Environmental Protection, and several other state and federal agencies had been contacted and thoroughly reviewed.

Mr. Jason Zimmer, MA Division of Fisheries and Wildlife (MA DFW) spoke to the issue and briefly discussed statistics related to hunting. In reference to the Massachusetts Fish and Game Hunting Accident Report dated 1995-2004, published by the MA Hunter Education Program, he noted that with over 60,000 licensed hunters in the State of MA, the number of reported hunting accidents was extremely low (41) and that there had been no deaths during the period of the study.

Several Hanover residents raised concerns for those who use walking trails and bike paths throughout the town. A map of Hanover which highlighted conservation (town-owned) parcels, overlaid with the 500 foot setback to residents for all hunting, prepared by the Town Planner, Andrew Port and his staff, was projected on a screen for the audience to view.

The Commission discussed various parcels upon which hunting could be supported in relation to the 500 foot residential setback. Several residents from neighboring towns shared their hunting experiences on private property within the Town of Hanover. Lt. Walter Sweeny, Hanover Police Department, representative of the Police Chief for this meeting, spoke to the enforcement portion of this issue. He explained the responsibilities of the two Fish and Game Officers in Hanover and added that no serious incidents had occurred related to hunting within in the time of his tenure as

a Police Officer in town, approximately 24 years. He added that training for the Fish and Game Officers included full academy training as well as training in environmental issues, and fish and game regulations.

Several non-Hanover residents spoke to the issue of hunting on private property that currently takes place in Hanover, and noted the strict enforcement exhibited by the Fish and Game Officer (from personal and positive experience).

Resident and Open Space Committee (OSC) Co-Chair Hal Thomas, read a letter dated 4/29/06 into the hearing for the record in which the OSC stated opposition to hunting on any town-owned parcel. The letter also noted that OSC in conjunction with the Conservation Commission, has spent great time, volunteer effort, and money to build bridges, create and maintain trails, and generally encourage walking and other such passive recreation uses of all town-owned properties. A letter dated 5/3/06 from Hanover resident Anne Walls stating opposition to hunting was also submitted at the meeting.

This lead to a discussion of limiting the number of parcels upon which hunting would be allowed. A brief discussion ensued concerning hunting seasons, animals to be hunted, distance of shots, including bow/arrow, shot guns, muzzle loaders, and other hunting devices.

Mr. Zimmer, MA DFW, spoke to the subject of firearms safety as it relates to hunting within the State of Massachusetts. He noted that hunters are required to be trained in the safety and use of firearms, that these firearms and hunting training courses must be passed in order to obtain a hunting license, and referred again to the statistics of accidents or deaths in the state, as did several professed hunters in the audience. Mr. Zimmer noted that by not allowing hunting on public land, an exclusion of a group of people is allowed. He further noted that in his experience, those who obtain hunting licenses are typically very environmentally minded.

Hanover's Lt. Sweeney noted that a decision on which parcels would be hunted and clear demarcation of the boundaries of those parcels was of utmost importance. He commended the Commission and Town Planner for the map presented and stressed the importance for the Police Department especially the Fish and Game Officers to know exactly where and when hunting will be allowed. He also noted that active participation by the Commission's designees to post and actively maintain signage for hunting is essential.

Chair O'Leary questioned whether there would be any additional burden or cost to the Police Department, should hunting be allowed. Since the Fish and Game Officers already have duties to uphold the State and local regulations for hunting throughout the town, Lt. Sweeney did not foresee additional costs or burdens.

The discussion continued with both support and opposition to hunting. Several residents and a Selectman urged the Commission to postpone a decision on this topic to allow for an article for a town meeting. This would allow for a more thorough discussion of the matter and a vote by a greater number of Hanover residents.

A call for a vote from the Commission was met with further discussion and resulted in a decision to limit the number of parcels to be hunted, the weapons to be used, and to limit the time allowed to hunt. A brief discussion concerning the areas within the Town of Rockland which are hunted and abut the Town of Hanover ensued resulting in the choice of two town-owned conservation parcels being chosen for the use of hunting. These parcels are known as *The Summer Street parcel* and *The Clark Bog parcel*. These were chosen because they both abut (on the southern and northern border), a privately owned parcel known as *The Cervelli Property* which currently allows hunting.

Several residents spoke up in opposition to these parcels and hunting in general and Viola Ryerson suggested that the Commission defer the issue to the special town meeting in the fall to allow for a greater body of input and a firm vote.

A letter dated 5/3/06 from the South Shore Natural Science Center, Property Owners of the Morrill Allen Phillips Wildlife Sanctuary located in Hanover, was reviewed by Commission members. The letter was a reminder of the no-hunting policy established for the entire site. As the Commission's discussion of hunting does not include privately owned parcels, no hunting would be proposed on the Morrill Allen Phillips parcel.

Commissioner James Smith stated that he recognized that there is a distinct difference of opinion on this matter and noted the difficulty in overcoming fears of hunting versus the full use of parcels by all residents and various groups. However, he noted that the most important issue is education, disbursement of literature, notification of new residents, and expressed discomfort with a decision being made by the Commission as opposed to a town meeting vote.

Commissioner Neal Merritt pointed out that due to the 500 foot restriction, only three parcels qualified and one of them was, in his opinion, not acceptable because of the newly renovated and maintained bridges and walking trails, (the Colby Phillips site). He agreed with the aforementioned Summer Street and Clark Bog parcels. He suggested a trial period of archery hunting, October 16 through November 25th, (the deer hunting season) and noted it's success in the Town of Sudbury. Commissioners Deke Moore and Laura Horky spoke in support. Mr. Zimmer, MA DFW, added that hunting was a way to maintain the health of species.

Commissioner Smith added that Commissioner Moore was an educated hunter who has educated his family in the necessary safety issues.

Selectman David Flynn suggested the Commission take the issue under further advisement. He noted the necessity of a plan, more public hearings with notification to abutters, creation of rules, and a presentation of a more cohesive plan.

The question of reconsideration of the 2/15/06 vote was raised from the audience and not acted upon.

Commissioner Deke Moore motioned to allow hunting of deer and turkey only, beginning in the month of October 2006, on the Clark Bog site and the Summer Street site and further that enforcement is to be addressed as well as education of the town's people.
Commissioner Laura Horky seconded this motion.

A brief discussion amongst the Commissioners ensued resulting in an amendment to the motion as follows:

Commissioner Neal Merritt motioned to amend the above motion to limit the hunting method to archery only on the same parcels, to include deer only (no turkeys), between the dates of October 16th and November 25th, inclusively, the deer hunting season.
Commissioner Laura Horky seconded this amended motion.

Commissioner Deke Moore motioned to further amend Commissioner Merritt's motion to include coyotes.
Commissioner Laura Horky seconded this amendment to the amended motion.

Chair O'Leary called for the vote which was as follows:

VOTE: On the amendment to the amended motion made by Commissioner Deke Moore to add the species of coyotes to be hunted-

Deke Moore, Laura Horky: YES

Steve O'Leary, Jim Smith, and Neal Merritt: NO

Therefore this amendment to add coyotes to the list of hunted animals does not carry.

VOTE: On the amended motion made by Commissioner Neal Merritt to limit the hunting method to archery, limit the species to deer only, and limit the dates for hunting to *the deer hunting season*, October 16th through November 25th-

Neal Merritt, Deke Moore, and Laura Horky: YES

Steve O'Leary and Jim Smith: NO

Therefore this amended motion is carried.

VOTE: On the original motion made by Commissioner Deke Moore to allow hunting as amended by the above vote to allow hunting of deer only, with archery only, on two parcels, Clark Bog site and Summer Street site only, and limited to the dates of October 16th through November 25th inclusively which encompasses *the deer hunting season*:

Neal Merritt, Deke Moore, and Laura Horky: YES

Steve O'Leary and Jim Smith: NO

Therefore this amended motion is carried.

ACTION ITEM

1. **SE 31-713, 600 Main Street-** request for an Extension Permit

VOTE: SO=yes; JS=yes; NM=yes; DM=yes; LH=yes: **to issue a three year Extension Permit**

ADMINISTRATIVE:

- ☒ Approval of Minutes for **4/5/06 & 4/19/06** meetings

VOTE: SO=yes; JS=yes; NM=yes; DM=yes; LH=yes: **to approve the minutes as presented**

- ☒ The Commission also discussed the Conservation Office as to additional hours for the Secretary due to several projects that require both the Secretary's and the Agent's expertise.

VOTE: SO=yes; JS=yes; NM=yes; DM=yes; LH=yes: **to approve extra hours (in addition to 35 weekly hours and meeting schedule) for the Secretary to work as necessary to work with the Conservation Agent to complete projects as necessary.**

- ☒ Sign Bills **signed.**

The meeting was adjourned at 10:06.

Minutes Respectfully submitted 5/11/06,
Sandra D. MacFarlane, Conservation Commission Secretary

